



#29

T2315-904733

**IN THE UNITED STATES PATENT & TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS & INTERFERENCES**

Appellants: Eugene P. GOLDBERG ET AL. :
Serial No.: 08/141,017 : Art Unit: 1617
Filed: October 26, 1993 : Examiner: Edward J. Webman
For: METHOD OF AND COMPOSITION FOR :
PREVENTING TISSUE DAMAGE

PETITION TO WITHDRAW NOTICE OF ABANDONMENT

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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JUL 02 2003

Sir:

OFFICE OF PETITIONS

Applicant believes that the Notice of Abandonment was issued in error due to the failure of the Patent Office to process and enter Status Inquiries and Change of Address into appropriate file. Applicant hereby request reconsideration and withdrawal of the Notice of abandonment of the above-identified patent application.

The Patent Office issued a Notice of Abandonment (Paper No. 27) due to Applicant's failure to respond to the Office letter mailed August 7, 2002.

Attached are copies of the papers filed and copies of the return postcards with the PTO dates of receipt stamped thereon. Applicant filed Status Inquiries on April 7, 1999 (Exhibit A), May 26, 2000 (Exhibit B), September 21, 2000 (Exhibit C) and November 20, 2001 (Exhibit D). A Change of Address was also filed on November 20, 2001 (Exhibit D). On May 28, 2003, because the Patent Office did not respond to the applicant's inquiries, applicant called the Board of Patent Appeals and Interferences where the application was being reviewed by the Board, and learned from the Clerk, that the application was abandoned due to failure to respond to the Office letter and, the case was probably sitting in the warehouse. During the second week of June, in telephone conversations between Examiner Webman and my secretary, Mary Allgood, it was noted by the Examiner that the Status Inquiries and the Change of Address correspondence filed were never matched up with the application file.

After investigating the facts, it is clear that the subject application was unavoidably abandoned. Applicant respectfully solicits a favorable decision of Revival of the subject-application.

Respectfully submitted,

MILES & STOCKBRIDGE



Dennis P. Clarke
Registration No. 22,549

Filed: June 30, 2003

DPC/maa

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Suite 500
McLean, Virginia 22102-3833
Telephone: (703) 903-9000
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Docket No. 4733

PLEASE STAMP & RETURN

PAPERS RECEIVED ON April 7, 1999 A.U. 1615

APPLICANT Goldberg et al- SN 08/141,017

TITLE OR MARK Method of and Composition for Preventing....

APPLICATION (PAT or TM) SHEETS DRAWINGS _____

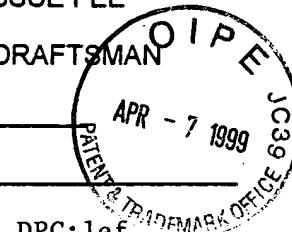
_____ PAGES SPECIFICATION _____ CLAIMS OATH DECL.

ASSIGNMENT PRIORITY CLAIM BASE ISSUE FEE

AMENDMENT DUE _____ LETTER TO DRAFTSMAN

APPEAL - NOTICE/BRIEF CHECK FOR \$ _____

OTHER: Status Inquiry



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Appellants : Eugene P. GOLDBERG, ET AL
Serial No. : 08/141,017
Filed : October 26, 1993
For : METHOD OF AND COMPOSITION FOR
PREVENTING TISSUE DAMAGE
Art Unit : 1615
Examiner : Edward J. Webman

STATUS INQUIRY

Hon. Commissioner of Patents & Trademarks
Washington, D. C. 20231

Sir:

Please advise the undersigned as to the status of the above-captioned application inasmuch as the Brief on Appeal was filed on June 9, 1997, and the Reply Brief and Request for Oral Hearing were submitted on December 8, 1997.

Respectfully submitted,

KERKAM, STOWELL,
ONDRAKCI & CLARKE, P.C.



Dennis P. Clarke
Registration No. 22,549

DPC:lef

Two Skyline Place, Suite 600
5203 Leesburg Pike
Falls Church, VA 22041-3401
Telephone: (703) 998-3302

(4) Eugene
Inventor GOLDBERG et al, Ser. No. 08/141,017 Docket No. T2315-904733
Title: METHOD OF AND COMPOSITION FOR PREVENTING TISSUE DAMAGE

This will acknowledge receipt in the Patent Office of the following:

- New Patent Application _____ pages of Specification _____ claims
 Request for Patent Application under 37CFR 1.60 37CFR 1.62
 Combined Declaration and Power of Attorney
 Verified Statement Claiming Small Entity
 Associate Power of Attorney **O I P E**
 Claim for Priority
 Priority Document
 Assignment
 Drawings _____ sheets
 Information Disclosure Stmt
 Information Disclosure Refs.
 Terminal Disclaimer
 Other STATUS INQUIRY (second)
Date due _____ Date filed 5/26/00 Initials DPC/maa

- Amendment
 Petition for Ext. of Time
 Issue Fee Transmittal
 Appeal Brief (3 copies)
 Req. Certificate of Correction
 Trademark Application
 Section 8 & 15 Affidavit
 Check _____

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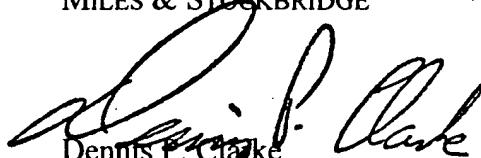
Sir:

Please advise the undersigned as to the status of the above-captioned application
inasmuch as the Brief on Appeal was filed on June 9, 1997, and the Reply Brief and Request
for Oral Hearing were submitted on December 8, 1997.

This is the second Status Inquiry filed by appellants herein; the first having been filed
on April 7, 1999. No response to that inquiry was received.

Respectfully submitted,

MILES & STOCKBRIDGE



Dennis P. Clarke
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DPC/maa

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McLean, Virginia 22102-3833
Telephone: (703) 903-9000
Facsimile: (703) 610-8686

2411 T2315-

Inventor GOLDBERG et al. Ser. No. 08/141,017 Docket No. 904733
Title: METHOD OF AND COMPOSITION FOR PREVENTING TISSUE...

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 Information Disclosure Refs.
 Terminal Disclaimer
 Other STATUS INQUIRY (Second)
- O I P E
SEP 21 2000
P A T E N T & T R A D E M A R K C O M M I S S I O N
JCG
Amendment
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Section 8 & 15 Affidavit
Check _____
- Date due _____ Date filed 9/21/00 Initials DPC/maa

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This is the third Status Inquiry filed by appellants herein; the first having been filed on April 7, 1999 and the second on May 26, 2000. No response to either of those inquiries was received.

Respectfully submitted,

MILES & STOCKBRIDGE



Dennis P. Clarke
Registration No. 22,549

Filed: September 21, 2000

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Eugene P.

T2315-

Inventor GOLDBERG et al. Ser. No. 08/141,017 Docket No. 904733

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Date due _____ Date filed 11/20/01 Initials DPC/maa



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